

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:14-CV-442**

RONALD K. THOMAS,

Plaintiff,

v.

**MCLEOD ADDICTIVE DISEASE CENTER,
INC.,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff Ronald Thomas's Pro Se Motion to Amend Complaint (Doc. No. 10). Pursuant to Federal Rule of Civil Procedure 15, a party may amend its pleading once as a matter of course within twenty-one days after serving it, or within twenty-one days after service of a responsive pleading or a motion under Rule 12(b), (e), or (f). FED. R. CIV. P. 15(a). Plaintiff has not previously amended his Complaint, and his motion comes within twenty-one days after service of Defendant's Motion to Dismiss pursuant to FRCP 12(b)(1) and (6). Therefore, Plaintiff need not seek leave of the Court to file his amended complaint.

IT IS THEREFORE ORDERED that Plaintiff's motion for leave to file an amended complaint (Doc. No. 10) is **GRANTED**. Plaintiff is given leave to file the proposed amended complaint attached to his Motion, which complaint should be filed within fourteen (14) days of the date of this order.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. No. 7) is **DENIED** as **MOOT**. Defendant is free to file a new motion if it wishes after the amended complaint has been filed.

The Clerk of Court is directed to send a copy of this order to Plaintiff.

SO ORDERED.

Signed: February 6, 2015

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

